

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**MDL NO. 2738 (FLW)(LHG)**  
Civil Action No.: 3:17-cv-08264

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**IN RE: JOHNSON & JOHNSON TALCUM POWDER )  
PRODUCTS MARKETING, SALES PRACTICES, )  
AND PRODUCTS LIABILITY LITIGATION )**

Cynthia Winstead, )

**Plaintiff, )**

**v. )**

Johnson & Johnson, *et al.* )

**Defendants. )**

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**UNOPPOSED MOTION FOR LEAVE TO AMEND SHORT FORM COMPLAINT**

Pursuant to Federal Rules of Civil Procedure, Rule 15, Plaintiff states the following:

1. Cynthia Winstead (hereinafter “Decedent”) died on April 28, 2019. Plaintiff died from ovarian cancer.

2. Antoinette Hillard is Decedent’s sister.

3. Antoinette Hillard was appointed Administrator of the Estate of Cynthia Winstead on April 7, 2021 in accordance with New York SCPA § 101, *et seq.* See Ex. A, copy of Decree Granting Administration.

4. Pursuant to Fed. R. Civ. P. Rule 15, a party may amend her pleading by leave of court and, “[t]he court should freely give leave when justice so requires.”

5. Plaintiff now requests leave to amend the Complaint to:

- a. substitute the proper plaintiff name; and
- b. assert allegations under the New York Wrongful Death Statute, EPT § 5-4.1, and New York survivor action laws, *Miller v. Acheson Indus.*, No. 403331/97, 1999

WL 509506, \*2-3 (May 26, 1999), which relate to the same allegations and injuries alleged in the original Complaint.

6. The proposed Amended Complaint is attached hereto as Ex. B.
7. Plaintiff has communicated with Defendant Johnson & Johnson to seek its assent to this Motion. Defendant does not oppose the Motion.

Respectfully submitted,

/s/James D. Gotz

James D. Gotz  
Steven B. Rotman  
Hausfeld  
One Marina Park Drive  
Suite 1410  
Boston, MA 02110  
(617) 207-0600  
[jgotz@hausfeld.com](mailto:jgotz@hausfeld.com)  
[srotman@hausfeld.com](mailto:srotman@hausfeld.com)

Dated: April 12, 2021

**CERTIFICATE OF SERVICE**

I certify that on April 12, 2021, the foregoing was filed electronically and notice of the filing accordingly will be sent to all required parties by operation of the Court.

/s/James D. Gotz  
James D. Gotz, Esq.